

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:09CV458-RJC-DSC**

JAMES MORRISON,

Plaintiff,

v.

JEREMY MAURER,

Defendant.

**CERTIFICATION AND REPORT OF
F.R.C.P. 26(f) CONFERENCE
AND DISCOVERY PLAN**

1. Certification of Conference. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on February 11, 2010 by telephone and was conducted by the undersigned counsel for the Plaintiff and the *pro se* Defendant in the above-captioned case.

2. Pre-Discovery Disclosures. The information required by Fed. R. Civ. P. 26(a)(1) will be exchanged by March 12, 2010.

3. Discovery Plan. The parties jointly propose to the court the following discovery plan: *[Use separate paragraphs or subparagraphs as necessary if parties disagree.]*

- a) All discovery shall be commenced in time to be completed by August 1, 2010.
- b) Discovery Limits:
 - 1) Maximum of 25 interrogatories by each party to any other party.
 - 2) Maximum of 25 requests for admission by each party to any other party.
 - 3) Maximum of 6 depositions by plaintiff(s) and 6 by defendant(s).
- c) Reports from retained experts under Rule 26(a)(2) will be due:
 - from plaintiff(s) by June 1, 2010
 - from defendant(s) by July 1, 2010

Supplementations under Rule 26(e) due 30 days after the reports are provided.

4. Other Items.
- a) The parties do not request a conference with the court before entry of the scheduling order.
 - b) All potentially dispositive motions should be filed by September 1, 2010.
 - c) Settlement:
 - ☐ is likely
 - ☐ is unlikely
 - ☒ cannot be evaluated prior to August 1, 2010.
 - ☒ may be enhanced by use of the following ADR procedure:
 - ☐ Mediated Settlement Conference
 - ☐ binding arbitration
 - ☒ judicial settlement conference
 - ☐ other _____
- The parties agree that the above selected ADR procedure would be most useful if conducted:
- ☐ after resolution of any outstanding dispositive motions, but prior to further discovery;
 - ☐ after an initial round of preliminary discovery to be completed by _____ (date);
 - ☒ after the completion of discovery;
 - ☐ after resolution of summary judgment motions, if any
 - ☐ not applicable.
- d) Final lists of witnesses and exhibits under Rule 26(a)(3) are due:
 - from plaintiff(s) by 30 days prior to trial.
 - from defendant(s) by 30 days prior to trial.
 - e) If the case is ultimately tried, trial is expected to take approximately three (3) days.
 - f) ☒ The parties have discussed the issue of consent to the jurisdiction of a U.S. magistrate judge.
5. Please identify any other matters regarding discovery or case management which may require the Court's attention (e.g., concerns re: confidentiality, protective orders, etc., unmovable scheduling conflicts)

Plaintiff's counsel is unavailable from April 5 → April 10 and from

July 9 → July 16. _____

Stephen D. Koehler 2/17/10
Plaintiff's Counsel *Date*

Jeremy Maurer 2/17/10
Defendant *Party* *Date*